

Willamette Mercury Multiple Discharger Variance

Advisory Committee Meeting #6 Meeting notes

Aug. 1, 2019
Oregon Department of Consumer and Business Services
Conference Room #260
350 Winter St. NE
Salem, OR 97301

List of attendees

Debra Sturdevant, Connie Dou, Aron Borok, Michael Karnosh, Sharla Moffett, Chandra Ferrari
Phone: Allison LaPlante, Erich Brandstetter, Cheryl Niemi, Todd Miller, Toby Smith

List of handouts and presentation notes

- Draft rule language amendments to OAR 340-041-0059 and OAR 340-041-0345.
- Draft variance document
- Draft fiscal impact statement

Time	Topic	Who
9 a.m.	Introductions, agenda and ground rule review	Debra Sturdevant
9:15 a.m.	Rulemaking schedule review	Aron Borok
9:25 a.m.	Changes to variance authorization rule	Aron Borok
9:35 a.m.	Changes to MDV rule language	Aron Borok
9:45 a.m.	Discussion of variance document	Group
10 a.m.	Changes to fiscal impact statement	Aron Borok
10:10 a.m.	Next steps	Aron Borok
10:20 a.m.	Adjourn	

After introductions, Aron began the meeting by reminding the committee the reasons for developing a variance. He noted that it is important for DEQ to have a way to move forward with issuing permits in the Willamette Basin while finding a way to reduce mercury loads, and do so in a transparent manner. From the TMDL process, we are finding that the point sources are a small percentage of the total load, but we also need to make sure we are working to reduce that load, in addition to the work being done to reduce nonpoint source loads.

Rulemaking schedule: DEQ plans to go out for draft notice of proposed rulemaking on September 13 and public hearing sometime in October. In order to ensure we have all materials ready for those steps, we would like feedback on these materials within the next week, though there is opportunity for comment during public comment period. The plan is to present a final rule to the Commission in January 2020.



State of Oregon
Department of
Environmental
Quality

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enhancing the quality of
Oregon's air, land and
water.*

Review of changes to variance authorization rule, MDV rule language based on comments received since last meeting, and variance document (see meeting materials and presentation for details)

A request was made to allow the committee access to all comments received by DEQ, including those that were not addressed by DEQ, including rationale for why comments were not addressed.

There was a comment for DEQ to double check in-text references to specific sections within the variance document itself, as it references sections that no longer exist.

Question regarding where in the process does the 30 days for public comment for highest attainable condition evaluation. Aron expanded on multiple variance process and the reevaluation of HAC every five years, using a scenario. If EPA approves the variance 90 days after January EQC meeting, by April 2025, DEQ would need to provide reevaluation of HAC. The reevaluation process is required to look at two things: (1) DEQ will review current technology and other treatment systems. This is to ensure that if there are any advances within that five-year window that can get lower reductions while being less environmentally costly, those can be researched; (2) DEQ will review data received by dischargers who have been covered by variance and assess whether there has been any progress toward achieving the standard. This is the basis for the reevaluation every five years. All of this will be prepared and sent to a 30 day public comment period. The document would then be finalized, and all this completed prior to April 2025, based on EPA guidance.

Aron expanded on the permit renewal process within the scope of the variance. Permit renewals will be happening throughout the process, not necessarily at the cycle of every 5 years of HAC reevaluation for the variance. Permits have requirements based on the variance, one of those is the effluent limits based on LCA. During permit renewal, DEQ will look at the last 2-5 years of data provided by permittee to calculate effluent limit based on that data (based on method described at previous meeting) and require dischargers to prepare or update their mercury minimization plans. At permit renewal, DEQ would ask for an updated MMP covering the remainder of the variance, providing more specificity of next 5 years, and recalculate LCA based on last 5 years of data.

Question regarding what can be changed at the 5-year reevaluation of variance, Ch 3 of variance document. Reevaluation of HAC is a check to make sure dischargers are continuing to make incremental progress toward meeting standard. As technology advances, requirements should be adjusted as well. Suggestion that this section needs to more clearly state what the intent of reevaluation is.

Comment for Ch 4 of variance document. Expressed concern over statement about mercury minimization plan and advance treatment being equitable. DEQ clarified that implementing advance treatment at a scale that would have mercury reduction impact, would have additional negative environmental impacts. DEQ is not stating that mercury minimization plans provide better results than advance treatment unilaterally. DEQ is making the case up front that it is not worthwhile for a facility with secondary treatment to add tertiary treatment solely to reduce mercury, due to added environmental cost of advanced treatment and amount of loading from point sources is such a small portion of loading. However, there may be other reasons for a facility to upgrade and those upgrades may benefit mercury reduction.

Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.